



392.1002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: Application of: Hiroyuki ABURATANI et al.
Serial No.: 10/526,741
Filed: November 14, 2005
For: **ANTIBODY AGAINST SECRETED N-
TERMINAL PEPTIDE OF GPC3 PRESENT IN
BLOOD OR C-TERMINAL PEPTIDE OF GPC3**
Examiner: Peter J. Reddig
Art Unit: 1642

Mail Stop: AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

December 11, 2009

INFORMATION DISCLOSURE STATEMENT

Sir:

In accordance with the provisions of 37 C.F.R. §§ 1.97 and 1.98, Applicant hereby makes of record the documents listed on the accompanying Form PTO-1449 for consideration by the Examiner in connection with the examination of the above-identified patent application. While the references are being submitted herewith, some or all of the references may not constitute prior art under the U.S. patent laws.

Applicant respectfully notes that references A08 and A09 cited on the accompanying Form PTO-1449 were cited by the Examiner in connection with corresponding U.S. Application No. 11/414,676, and that references A10 through A14 were cited by the Examiner in connection with corresponding Application No. U.S. 11/809,556.

Applicants also respectfully advise the Examiner of the following co-pending U.S. Patent

Applications which are commonly assigned to the owners of the instant application:

U.S. Application Serial No. 11/414,676, entitled "ANTIBODY AGAINST SECRETED N-TERMINAL PEPTIDE OF GPC3 PRESENT IN BLOOD OR C-TERMINAL PEPTIDE OF GPC3", filed April 28, 2008 and published as U.S. Patent Publication No. 2006-0188510.

U.S. Application Serial No. 11/809,556, entitled "ANTIBODY AGAINST SECRETED N-TERMINAL PEPTIDE OF GPC3 PRESENT IN BLOOD OR C-TERMINAL PEPTIDE OF GPC3", filed June 1, 2007 and published as U.S. Patent Publication No. 2009-0060907.

U.S. Application Serial No. 12/584,728, entitled "ANTIBODY AGAINST SECRETED N-TERMINAL PEPTIDE OF GPC3 PRESENT IN BLOOD OR C-TERMINAL PEPTIDE OF GPC3", filed September 11, 2009, which has not yet been published. A copy of the claims for U.S. Application Serial No. 12/584,728 as filed, along with a Preliminary Amendment dated September 11, 2009 amending said claims, are cited on the accompanying Form PTO-1449 as reference A15 and are enclosed.

Pursuant to the waiver of the requirement under 37 C.F.R. § 1.98(a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication for all U.S. national patent applications filed after June 30, 2003, copies of the cited U.S. patents and U.S. patent application publications are not enclosed.

Applicant respectfully notes that references A16 to A19 listed on the accompanying Form PTO-1449 are Office Actions issued in connection with the above-referenced copending Applications Nos. 11/414,676, and 11/809,556. Any responses filed with respect to these Office Actions can be viewed on the U.S. Patent and Trademark Office's PAIR website.

37 C.F.R. § 1.98(d) relates to the requirement of submitting a copy of any patent,


publication, pending U.S. application or other information, as specified in 37 C.F.R. § 1.98 (a), listed in an information disclosure statement, even if the patent, publication, pending U.S. application or other information was previously submitted to, or cited by, the Office in an earlier application unless: (1) if the earlier application(s) is properly identified in the information disclosure statement and is relied on for an earlier effective filing date under 35 U.S.C. 120; and (2) the information disclosure statement submitted in the earlier application complies with 37 C.F.R. § 1.98 (a) through (c). Therefore, pursuant to the waiver of the requirement under 37 C.F.R. § 1.98(d) copies of references A08 to A14 are not enclosed because references A08 to A14 were either disclosed by the Applicant in a filed Information Disclosure Statement which complied with 37 C.F.R. § 1.98 (a) through (c) or were cited by the Examiner in the copending Applications Nos. 11/414,676, 11/809,556, 12,584,728.

It is respectfully requested that the references cited on the accompanying Form PTO-1449 be considered and made of record.

This Information Disclosure Statement is filed under 37 C.F.R. § 1.97(c), "before the mailing date of any of a final action under § 1.113, a notice of allowance under § 1.311, or an action that otherwise closes prosecution in the application" and is accompanied by a check to cover the fee set forth in § 1.17(p). In the event any additional fee is due or an overpayment has been made in connection with the filing of this Information Disclosure Statement, the Commissioner is hereby authorized to charge said fee or credit said overpayment to our Deposit Account No. 50-0552.

Respectfully submitted,

DAVIDSON, DAVIDSON & KAPPEL, LLC

By: 

Sunil Raval

Reg. No. 47,886

DAVIDSON, DAVIDSON & KAPPEL, LLC
485 Seventh Avenue, 14th Floor
New York, New York 10018
(212) 736-1940